

**SUPREME COURT OF WISCONSIN**  
**OFFICE OF LAWYER REGULATION**

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Public Reprimand with Consent

07-OLR-11

Joseph C. Crawford  
Attorney at Law

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Attorney Joseph C. Crawford, age 63, of La Pointe, Wisconsin, is an attorney licensed in the State of Wisconsin since 1989.

Respondent represented a client *pro bono* in a misdemeanor criminal matter in October of 2003. In an attempt to avoid prison time for his client, Respondent suggested to the District Attorney a plan in which his client would leave the state for a period of three years, after which time the District Attorney, on behalf of the State, would request that the court dismiss the charges against the client.

The District Attorney accepted the proposal. As part of the plan, Respondent and the District Attorney agreed that the client would plead no contest to a misdemeanor charge, and, prior to sentencing in that case, the client would leave the State of Wisconsin. In addition, Respondent and the District Attorney agreed that the client would not make an appearance in a new case for trespass and disorderly conduct. Neither Respondent nor the District Attorney prepared a written deferred prosecution agreement, or other written agreement, nor did Respondent or the District Attorney advise the court of the arrangement.

In November of 2003, the client appeared in court and plead no contest to the misdemeanor charge. At the time his client entered his plea of no contest, Respondent did not advise the court of the arrangement with the District Attorney which prompted the plea.

In addition, Respondent knew at the time his client entered his plea of no contest that his client would not appear at sentencing or attend his initial appearance on the other charges. By failing to advise the court at the plea hearing of the facts associated with the arrangement with the District Attorney at the time his client plead no contest, an agreement that included encouraging his client to fail to appear at his sentencing and thereby commit the crime of bail jumping, Respondent violated former SCR 20:8.4(c), effective prior to July 1, 2007, which states, in relevant part, “It is professional misconduct for a lawyer to . . . engage in conduct involving dishonesty, fraud, deceit or misrepresentation.”

During the plea colloquy, the court asked the client if there were any promises or inducements to cause him to plead no contest other than what appeared in the plea questionnaire. The client said there were no such promises or inducements. By allowing his client to testify falsely, and in failing to take reasonable remedial measures following his client’s statement regarding the absence of promises or inducements, Respondent violated former SCR 20:3.3(a)(4), effective prior to July 1, 2007, which states, “A lawyer shall not knowingly . . . offer evidence that the lawyer knows to be false. If a lawyer has offered material evidence and comes to know of its falsity, the lawyer shall take reasonable remedial measures.”

Following the plea, the court scheduled a sentencing hearing on the misdemeanor charge and an initial appearance on the new charges. Pursuant to the arrangement, the client left the State of Wisconsin and failed to appear in court at his sentencing, and, in addition, failed to appear at the initial appearance for the new charges. Respondent knew that the client would not appear as a result of the arrangement with the District Attorney and in fact the client had left the State of Wisconsin. By consulting and/or advising his client to fail to appear at his sentencing, Respondent encouraged his client to commit the crime of bail jumping. Respondent therefore

violated former SCR 20:1.2(d), effective prior to July 1, 2007, which states, in relevant part, “A lawyer shall not consult a client to engage . . . in conduct the lawyer knows is criminal . . . .”

At sentencing, the court asked Respondent if he knew the location of his client. Respondent truthfully noted that his client had left the state. However, Respondent failed to advise the court of the agreement with the District Attorney which prompted his client’s absence. By failing to advise the court at sentencing of the facts associated with the arrangement made with the District Attorney, Respondent again violated former SCR 20:8.4(c), effective prior to July 1, 2007, which states, in relevant part, “It is professional misconduct for a lawyer to . . . engage in conduct involving dishonesty, fraud, deceit or misrepresentation . . . .”

Respondent has no prior discipline.

In accordance with SCR 22.09, Attorney Joseph C. Crawford of La Pointe, Wisconsin is hereby publicly reprimanded.

Dated this 27th day of December, 2007.

SUPREME COURT OF WISCONSIN

/s/  
Henry A. Field, Jr., Referee